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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,198	10/21/2003	Kenneth A. Stevens	923071-94935(1017.4)	3673
23644	7590	09/08/2005	EXAMINER	
BARNES & THORNBURG P.O. BOX 2786 CHICAGO, IL 60690-2786			MORRISON, THOMAS A	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,198

Applicant(s)

STEVENS, KENNETH A.

Examiner

Thomas A. Morrison

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: (1) the recited "a hinge points" in line 3 of claim 1 should be -- at hinge points --. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,996,991 (Dirx et al.). In particular, Dirx et al. discloses all of the limitations of claim 1.

Regarding claim 1, Figs. 4 and 6 show a high capacity sheet feeder (64) operably mounted on a sheet transport (22) in an operable position (Fig. 4) for feeding sheets (12) to the transport (22), the sheet feeder (64) mounted to the transport (22) at hinge points (parts of 65) allowing the sheet feeder (64) to be hinged upwardly to a non-operable position (Fig. 6 or Fig.8) to allow access to a sheet-transporting assembly (including 41) of the transport (22), the sheet feeder (64) including a feed table (side perpendicular to 56) capable of retaining a stack of sheets (12) loaded edgewise

thereon (Fig. 4) and capable of maintaining such stack (12) both in the operable position and the non-operable hinged-upward position.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Publication No. 4-303350. In particular, Japanese Publication No. 4-303350 discloses all of the limitations of claim 1.

Regarding claim 1, Figs. 1-9 show a high capacity sheet feeder (including 18 in Fig. 4) operably mounted on a sheet transport (104) in an operable position (Fig. 1) for feeding sheets (12) to the transport (104), the sheet feeder (including 18) mounted to the transport (104) at hinge points (near 110 and 112 in Fig. 3) allowing the sheet feeder (including 18) to be hinged upwardly to a non-operable position (Fig. 3) to allow access to a sheet-transporting assembly (including 30 in Fig. 1) of the transport (104), the sheet feeder (including 18) including a feed table (near 136) capable of retaining a stack of sheets (12) loaded edgewise thereon (Fig. 1) and capable of maintaining such stack (12) both in the operable position and the non-operable hinged-upward position.

Response to Amendment

4. Applicant's arguments filed June 20, 2005 have been fully considered but they are not persuasive.

Regarding the Dirx et al. patent, applicant argues that Dirx et al. does not disclose a sheet transport. Rather, Dirx et al. discloses a path (40) for a sheet past a thermal head (16).

In response, it is noted that the sheet transport (22) has rollers (41 and 41') that move (i.e., transport) sheets. As such the rollers (41 and 41') of sheet transport (22) are considered to be a sheet transport.

Next applicant argues that claim 1 requires the sheet feeder to be hinged upwardly to a non-operable position and that the hinged-upward position is its operable position, not the non-operable position.

In response, it is noted that Figs. 6 and 8 show the hinged-upward non-operable position, in that the lower edge of lowermost sheet of the stack is lifted upward when the sheet feeder (64) is positioned as shown in Figs. 6 and 8. This position is a non-operative position, because a dispenser roller (13) portion of the sheet feeder (64) cannot feed sheets into the Dirx et al. device in this position.

Finally, applicant argues that when the magazine (11) with its lid (64) is in the upward position, the lid (64) closes, preventing access to any of the components within the housing (10). Therefore, there is no access to any component when the magazine is in the hinged-upward position.

In response, it is noted that the position shown in Figs. 6 and 8 is considered to be the hinged-upward position. In this position, an operator has access to a sheet transporting assembly (rollers 41 and 41') in the sheet transport (22).

Regarding Japanese Publication No. 4-303350, applicant argues that reference number 104 is depicted as a box partially surrounding a paper feed base. As depicted in Figs. 2 and 3, it is impossible to determine operation of structure 104. However,

structure 104 does not appear to have any means for transporting a sheet, and therefore it is unlikely that structure is a sheet transport.

In response, it is noted that Fig. 3 of Japanese Publication No. 4-303350 shows a portion (104) of a device (M). Fig. 1 also shows the same device (M) and shows additional detail inside such device. As shown in Fig. 1, there are rollers (30 and 68) that can move (transport) sheets that are supplied to these rollers. Accordingly, Fig. 1 shows that there is a sheet transport. Figs. 3 and 4 show the structure of the feeder that is mounted on this sheet transport. As such, it is clear from the drawings that all of the elements of claim 1 are disclosed in the Figures 1-9 of Japanese Publication No. 4-303350.

Conclusion


5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

2If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (571) 272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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